

OS REGISTRY

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EXECUTIVE ORDER

Occupational Safety and Health Programs
for Federal Employees

By virtue of the authority vested in me as President of the United States, and Chief Executive, and also in order to carry out the provisions of section 19 of the Occupational Safety and Health Act and the provisions of section 7902 (c) of title 5 of the United States Code, it is ordered:

Scope of This Order

SECTION 1. This order applies to all agencies of the Executive branch. For the purposes of this order, the term "agency" means an Executive Department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal government other than those of the judicial and legislative Branches. Since the Occupational Safety and Health Act ("the Act") covers all Federal employees however, the Secretary of Labor ("the Secretary") shall cooperate and consult with the heads of agencies in the legislative and judicial Branches of the government to aid them in adopting safety and health programs consistent with those of agencies to which this order is applicable. This order covers all employees of covered agencies except military personnel.

Duties of Heads of Agencies

SECTION 2. The head of each agency, after consultation with the representatives of the employees thereof, shall:

- (1) Establish, maintain and implement an occupational safety and health program in accordance with the requirements of this order and the guidance of the Secretary.
- (2) After consultation with the Administrator of the General Services Administration, furnish to employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees.
- (3) Designate or appoint, to be responsible for the management and administration of the agency occupational safety and health program, an agency official with sufficient authority to represent effectively the interest and support of the agency head.

(4) Establish an occupational safety and health management information system, which shall include the maintenance of such records of occupational accidents, injuries, illnesses and their causes, and the compilation and transmittal of such reports based upon this information, as the Secretary may require pursuant to section 3 of this order.

(5) Comply with standards issued under section 6 of the Act, except where the Secretary approves alternate standards.

(6) Assure attention within thirty calendar days to reports by employees or others of unsafe or unhealthful working conditions and, to the extent facilities are under the control of agency heads, assure prompt abatement of any unsafe or unhealthful working conditions discovered through this or any other means.

(7) Ensure that safeguards are included in the agency occupational safety and health program to ensure that no employee is subject to restraint, interference, coercion, discrimination or reprisal because of filing a report of an unsafe or unhealthful working condition or other participation in the agency occupational safety and health program.

(8) Assure that these safeguards are consistent with section 7 of the Inspector General Act of 1978 and section 202 of the Civil Service Reform Act of 1978.

(9) Assure unannounced periodic inspections of agency workplaces by personnel with sufficient technical competence to recognize unsafe and unhealthful working conditions in such workplaces; and, to the extent facilities are under the control of agency heads, assure prompt abatement of unsafe or unhealthful working conditions discovered.

(10) Provide adequate safety and health training for supervisory employees, employees responsible for conducting occupational safety and health inspections, and other employees. Such training shall include dissemination of information concerning the operation of the agency occupational safety and health program and the means by which personnel may participate and assist in the operation of that program.

(11) Assure that employees or employee representatives are consulted in both the development and operation of the safety and health program.

(12) Cooperate with and assist the Secretary in the performance of his duties under section 19 of the Act and section 3 of this Order.

Duties of the Secretary of Labor

SECTION 3. The Secretary shall:

- (1) Provide leadership and guidance to the heads of agencies to assist them in fulfilling their occupational safety and health responsibilities.
- (2) Coordinate the activities of the Department of Labor with those of other agencies that have responsibilities for federal employee occupational safety and health, including the Office of Personnel Management, the Department of Health, Education, and Welfare, and the General Services Administration.
- (3) Issue guidelines to assist agencies in operating occupational safety and health programs appropriate to their mission, size, and organization. Such guidelines shall reflect the requirement of section 19 of the Act for consultation with employee representatives.
- (4) Prescribe recordkeeping and reporting requirements to enable agencies to assist the Secretary in meeting the requirements of section 19 (b) and section 24 of the Act.
- (5) Replace existing systems with a single system to collect incidence data from agencies on injuries and their causes that can identify high-risk workplaces. The system shall use a single, integrated reporting system for the whole government.
- (6) Provide leadership and guidance to agencies in the occupational safety and health training of their personnel; conduct safety and health training for agencies upon their request, where the Secretary deems feasible, and with reimbursement.
- (7) Facilitate the exchange of ideas and information throughout the government about occupational safety and health through such arrangements as he deems appropriate, including the establishment and continuance of Field Federal Safety and Health Councils.
- (8) Provide technical services to agencies, where deemed necessary and appropriate, and upon request. These services may include studies of accident, injury and illness causation and identification of unsafe and unhealthful working conditions.
- (9) Evaluate the occupational safety and health programs of agencies, and promptly submit reports to agency heads. These evaluations shall be conducted through such headquarters or field reviews as the Secretary deems necessary at least annually for the larger or

more hazardous agencies or operations, and as the Secretary deems appropriate for the smaller or less hazardous agencies. The Secretary will develop standard procedures for using incidence data to evaluate agency performance by quantitative results.

(10) If the Secretary receives a workplace hazard complaint from a federal civilian employee, the Secretary shall determine whether the employing agency head has established the procedure for responding to such complaints required in section 2 (6) and whether an inspection has taken place under the procedure. If the Secretary determines the agency head has established no procedure or that the agency head conducted no inspection during thirty calendar days after the employee report under the procedure, the Secretary may enter without advance notice or delay and at reasonable times the workplace of the employee to inspect and investigate the report and promptly submit a report to the agency head and to the reporting employee. The Secretary shall assure that his designee seeking access to sensitive or classified areas have security clearances that may be required by the head of the investigated agency. The Secretary shall assure that agency heads or their representatives accompany such inspection in agencies with national security responsibilities.

(11) Submit to the President each year a summary report of the status of occupational safety and health of federal employees and, together with agency responses, analyses of individual agency progress and problems in correcting unsafe and unhealthful working conditions and recommendations for improving their performance.

(12) Enter into agreements or other arrangements with the National Institute for Occupational Safety and Health and delegate to it the inspection and investigation authority provided in paragraph (10) of this section as necessary.

Relationship of Duties and Authorities of the
Administrator of the General Services Administration and
Duties and Authorities of the Secretary of Labor

SECTION 4. Within six months of the effective date of this order the Secretary of Labor and the Administrator of the General Services Administration will negotiate a consistent, structured basis for resolving conflicts about applicability of safety and health standards in leased space. These negotiations will define boundaries between responsibilities for federal job safety and health of the Administrator of the General Services Administration and the Secretary of Labor and heads of agencies occupying the leased space, and will explain how, within budget constraints, the Administrator will control hazards within his jurisdiction.

In order to assist the agencies in carrying out their duties under section 19 of the Act and this order the Administrator shall:

(1) Upon request, require personnel of the General Services Administration to accompany the Secretary or his designee on any inspection or investigation conducted pursuant to section 3 of this order of a facility subject to the authority of the General Services Administration.

(2) Assure prompt attention to reports from agencies of unsafe or unhealthful conditions of facilities subject to the authority of the General Services Administration to assure abatement of such conditions; and give priority in the allocation of resources available to the Administrator for prompt abatement of hazardous conditions.

(3) Procure and provide safe and healthful supplies, devices, and equipment, and establish and maintain a product safety program for those supplies, devices, equipment and services furnished to agencies, including the issuance of Material Safety Data Sheets when hazardous substances are furnished them.

The Federal Advisory Council on Occupational Safety and Health

SECTION 5. (1) The Federal Advisory Council on Occupational Safety and Health, established pursuant to Executive Order 11612, is continued. It shall advise the Secretary in carrying out responsibilities under the order. The Council shall consist of sixteen members appointed by the Secretary, and shall include representatives of federal agencies and representatives of labor organizations representing federal employees. The members shall serve for three-year terms with the terms of five or six members expiring each year, provided that this Council is renewed every two years in accordance with the Federal Advisory Committee Act. The members currently serving on the Council shall be deemed to be its initial members under this order and their terms shall expire in accordance with the terms of their appointment.

(2) The Secretary, or a designee, shall serve as the Chairman of the Council, and shall prescribe such rules for the conduct of its business as deemed necessary and appropriate.

(3) The Secretary shall make available necessary office space and furnish the Council necessary equipment, supplies, and staff services, and shall perform such functions with respect of the Council as may be required by the Federal Advisory Committee Act.

Effect on Other Powers and Duties

SECTION 6. Nothing in this order shall be construed to impair or alter the powers and duties of the Secretary or heads of other federal agencies pursuant to section 19 of the Occupational Safety and Health Act of 1970, Chapter 71 of title 5 of the United States Code as amended by the Civil Service Reform Act of 1978, sections 7901, 7902, and 7903 of title 5 of the United States Code, or any other provision of law, nor shall it be construed to alter any other provisions of law or Executive order providing for collective bargaining agreements and procedures or affect the responsibilities contained in title 50 of the United States Code, section 403 (d)(3) of the Director of Central Intelligence to protect intelligence sources and methods. Matters of official leave for employee representatives involved in activities pursuant to this order shall be determined between each agency and these representatives pursuant to the procedures under section 7131 of title 5 of the United States Code or applicable collective bargaining agreement.

Termination of Existing Order

SECTION 7. Executive Order No. 11807 of September 28, 1974 is hereby superseded.

The White House